

**Ray et al.**  
**Serial No. 10/611,761**

**Remarks**

Claims 1-18 are pending with claims 19-35 being previously withdrawn. By the present amendment, claims 1, 12 and 18 have been amended and claim 17 has been cancelled. Support for the present amendments can be found in the specification as originally filed at Page 5, Lines 6-19, Page 10, Line 29 – Page 11, Line 13 and Page 12, Lines 5-16. No new matter is introduced by way of the present amendments.

**Claim Rejections – 35 U.S.C. §103**

In the Office Action mailed August 3, 2007, claims 1-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,246,838 to Pulver et al. in view of the book “BREADS”. In response, Applicant has amended independent claims 1, 12 and 18 to further clarify the present claimed invention as comprising a dough intermediate in which a plasticizing agent is applied over substantially an entire exposed surface prior to a forming/cutting step so as to form a sealing layer to promote improved aesthetic and organoleptic properties.

As discussed in a prior response, Pulver et al. is addressed solely to an apparatus utilizing pressurized fluid streams at 20-40 psi to create slits along a midline of a plurality of proofed dough pieces (bread loaves). Contrary to the assertions in the Final Office Action, Pulver et al. does not disclose the spraying of a plasticizing agent on a dough intermediate surface but instead teaches the cutting of a dough surface through application of a pressurized fluid stream along the midline of the dough to expose a portion of the interior of the dough intermediate directly to the baking process. At no point within Pulver et al. is application of the plasticizing agent over substantially the entire surface of the dough intermediate discussed. In fact, Pulver et al. teaches away from such an application over substantially the entire exposed surface by the use of a directed, pressurized fluid stream to cut only along the midline of the dough pieces. Absent the application of the plasticizing agent over substantially the entire exposed surface, the properties related to the formation of the presently claimed partial seal (i.e. enhanced crown, increased fluidity and restricting dehydration) can not occur in the dough pieces of Pulver et al.

The “Breads” reference is directed to a variety of “artisan” style dough products and related methods of making. While the Examiner refers to “Breads” as teaching coating with butter, the “Breads” reference is absent any disclosure or teaching relative to applying a plasticizing agent over substantially an entire exposed surface **prior** to a finishing or cutting step in which aesthetic features such as lobes, sections, portions, crevices and the like are

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formed. As such, the "Breads" reference fails to teach a dough intermediate that has been formed or cut that includes a sealing layer to improve the properties related to the formation of the partial seal (i.e. enhanced crown, increased fluidity and restricting dehydration).

As discussed above, neither Pulver et al. nor the referenced portions of the book "BREADS" teach the application of a plasticizing agent over substantially all of an exposed surface prior to a formation or cutting step. As such, neither Pulver et al. nor "BREADS", considered individually or in combination teach a formed dough intermediate having improved baked performance resulting from a sealing layer forming a partial seal imparted through application of a plasticizing agent over substantially all of the exposed surface. Based on the lack of any suggestion or teaching within the cited art nor any indication by the Examiner that the application of a plasticizing agent to substantially an entire exposed surface prior to a formation or cutting step is "notorious" to a person of ordinary skill in the art, there is no basis for rejecting the presently amended claims as obvious to one of skill in the art.

In addition, the Examiner has yet to offer a reasonable justification as to why common sense or any other motivation would dictate a person of ordinary skill in the art to combine an apparatus for simultaneously slitting multiple pieces of proofed dough with pressured fluid streams with a publication dealing with artisan style, scratch prepared dough products to arrive at the claimed invention, especially considering the presently pending claims in which a plasticizing agent is applied over substantially the entire exposed surface prior to a forming/cutting operation.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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